



POLICE DEPARTMENT

Febrary 3, 2011

MEMORANDUM:

Police Commissioner

Re:

Police Officer Thierry Pochat
Tax Registry No. 907079
Manhattan Court Section
Disciplinary Case Nos. 85043/09, 85308/09 & 85344/09

The above-named member of the Department appeared before the Court on November 3, 2010, charged with the following:

Disciplinary Case No. 85043/09

1. Said Police Officer Thierry Pochat, assigned to the 20th Precinct, while off-duty, on or about November 21, 2008, at a location known to this Department, within the confines of [REDACTED] County, having been involved in an off-duty incident wherein said Officer was served with an order of protection, did thereafter fail and neglect to report said incident to the Operations Unit, as required.

P.G. 212-32, Page 1, Paragraph 2 (Note) – COMMAND OPERATIONS

2. Said Police Officer Thierry Pochat, while assigned to the 20th Precinct, while off-duty, on or about January 26, 2009, at a location known to this Department, within the confines of [REDACTED] County, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department: to wit: said Officer was involved in a physical altercation with Sheri-Ann Pochat in violation of an order of protection issued on her behalf and against said Officer. (*As amended*)

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT –
PROHIBITED CONDUCT
GENERAL REGULATIONS

3 Said Police Officer Thierry Pochat, while assigned to the 20th Precinct, while off-duty, on or about January 26, 2009, at a location known to this Department, within the confines of [REDACTED] County, did engage in conduct prejudicial to the good order, efficiency, or discipline of the Department to wit said Officer was involved in a physical altercation with Sheri-Ann Pochat *(As amended)*

P G 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT –
PROHIBITED CONDUCT
GENERAL REGULATIONS

4 Said Police Officer Thierry Pochat, assigned to the 20th Precinct, while off-duty, on or about January 26, 2009, at a location known to this Department, with in the confines of [REDACTED] County, having been involved in an off-duty physical altercation, did thereafter fail and neglect to report said incident to the Operations Unit, as required

P G 212-32, Page 1, Paragraph 2 (Note) – COMMAND OPERATIONS

Disciplinary Case No §5308/09

1 Said Police Officer Thierry Pochat, while assigned to the Manhattan Court Section, on or about May 12, 2009, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department when he placed a telephone call to Sheri-Ann Pochat in violation of an order of protection issued on her behalf and against said Officer *(As amended)*

P G 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT –
PROHIBITED CONDUCT
GENERAL REGULATIONS

Disciplinary Case No §5344/09

1 Said Police Officer Thierry Pochat, while assigned to the Manhattan Court Section, on or about and between March 1, 2009 and May 1, 2009, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department when he transmitted text messages to Sheri-Ann Pochat regarding subject matters that violated the terms of an order of protection issued on her behalf and against said Officer

P G 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT –
PROHIBITED CONDUCT
GENERAL REGULATIONS

The Department was represented by Beth Douglas, Esq , Department Advocate's Office,
and the Respondent was represented by Craig Hayes, Esq

The Respondent, through counsel, entered a plea of Not Guilty to the charges in Case Nos 85043/09 and 85308/09. He pleaded Guilty to the charges in Case No 85344/09 and testified in mitigation of the penalty. A stenographic transcript of the trial-mitigation record has been prepared and is available for the Police Commissioner's review.

DECISION

In Case No 85043/09, the Respondent is found Guilty of Specification Nos 3 and 4, and Not Guilty of Specification No 2. Specification No 1 was dismissed by the Department before trial. In Case No 85308/09, the Respondent is found Not Guilty. The Respondent, having pleaded Guilty to the single specification in Case No 85344/09, is found Guilty.

SUMMARY OF EVIDENCE PRESENTED

The Department's Case

The Department called Sheri Ann Pochat as a witness.

Sheri Ann Pochat

Sheri Ann Pochat (Sheri Ann), a paralegal, was [REDACTED] to the Respondent but a [REDACTED] action was pending. They had two daughters, [REDACTED] (date of birth [REDACTED]) and [REDACTED] (date of birth [REDACTED]).

Sheri Ann testified that in November 2008, there were many problems in the [REDACTED]. She filed for [REDACTED], along with a motion for certain relief (including possession of the marital home, located in the Town of [REDACTED] County, as well as custody of the children and \$4,000 in support/maintenance). Sheri Ann asserted that when she served the papers on the

Respondent on November 19, 2008, he told her, "I gotta get the fuck out of here," and that "I don't know what I am going to do I might kill you " Sheri Ann also obtained two orders of protection from Family Court, one for her (see Department's Exhibit [DX] 4) and one for the children (DX 1) After she obtained the orders, she served them on him by faxing the papers to the 20 Precinct

Sheri Ann asserted that the Respondent assaulted her on January 26, 2009 He had been living in [REDACTED] with his mother The Respondent and Sheri Ann had lunch together earlier that day and discussed their issues They were both angry and upset When they parted, the Respondent said he was going to drive [REDACTED] to gymnastics Sheri Ann told him not to because she believed he was drinking He took her anyway, and Sheri Ann went to pick her up The Respondent and Sheri Ann had a confrontation at her car She later texted him not to "come home, just go to your girlfriend's house "

The Respondent came to the [REDACTED] home anyway Sheri Ann testified that he said that "nobody is going to keep me from coming into my house This is my house " Both the girls were home at the time She asserted that he told her to "go ahead, start telling them," because he had said at lunch that they would tell their daughters "it's daddy who wants a [REDACTED] I'm the bad guy "

At home that night, Sheri Ann told the Respondent to leave They were both upset Sheri Ann admitted that she said "daddy wants a [REDACTED], and you know, all these things to the girls, which - any way," the Respondent was speaking to the children as well The girls were sitting on the steps There was one staircase leading from the first floor to the second, with a landing in the middle

Sheri Ann admitted that when the Respondent said goodbye to [REDACTED] and told her "daddy loves you," Sheri Ann responded "don't you dare tell that child that you love her. If you love her, you wouldn't be doing this," meaning "not trying to work things through and basically destroying our home." The Respondent and Sheri Ann began yelling at each other. She placed herself in front of the stairs, on the first floor, to protect the girls. The Respondent was standing by the banister on the first floor. Sheri Ann alleged that the Respondent took a step back then a "very hard step forward," pushing her into the wall with his chest. Her right thigh and hip came into contact with the wall and the staircase molding, and she fell. The girls got scared and locked themselves in [REDACTED]'s room "after they saw their father push me into the wall with his chest."

Sheri Ann claimed that the Respondent ran up the stairs and tried to break down the door to [REDACTED]'s room. She told the Respondent to leave the house and that she was calling the police. She contended that he was screaming at the girls to open the door, and that they were crying. Sheri Ann got in between him and the bedroom door. The Respondent stepped away and she called the police, who arrived. The Respondent was arrested for violating the order of protection and possibly for assault. Another order of protection was issued in the criminal proceeding by the [REDACTED] Town Court (see DX 2, in effect until June 26, 2009).

Sheri Ann admitted that the criminal case was dismissed because she did not want to cooperate, the Respondent told her that he would lose his job. She spoke with the assistant district attorney (ADA), "and it was agreed that they would not go forward with the prosecution."

Sheri Ann testified that she was arrested in February 23, 2009, based on a complaint the Respondent had filed on February 6, 2009. She stated that after an order was issued for the Respondent to have supervised visitation with the children, "he decided that he was going to

have me arrested ” This was based on a text message she sent him that he “had quote unquote allegedly taken as a quote unquote threat ” She testified that the case was dismissed

On May 1, 2009, Sheri Ann testified, she texted the Respondent, and he texted her back saying “Stop harassing me or I am going to have you arrested again ” She took this as a threat because he had abused his authority to have her arrested in February She went to the 61 Precinct because she was on her way to her mother’s office, and that was the closest precinct Sheri Ann testified that she and the Respondent had seen each other, texted, and talked on the phone about things other than the children. She had to delete some of the texts for lack of space

Sheri Ann testified that both she and the Respondent were arrested on May 1, 2009, by the New York City Police Department (NYPD) Both cases were dismissed

Sheri Ann testified that on May 12, 2009, she was driving when she received a phone call She activated her headset and said hello All she heard was moaning She saw on the caller ID that it was the Respondent’s cell phone She picked up the phone and heard him say, “[W]hat’s this” or “What is this ” She said, “Oh, shut,” realizing it was his phone number, and hung up She told the police that she had an order of protection, she was tired of the Respondent’s harassment, and wanted him arrested

On cross-examination, Sheri Ann testified that there were occasions prior to November 21, 2008, when the Respondent was alone with the children Sheri Ann was not happy with this, but the Respondent had been seeing a therapist and was trying to improve himself The children were not injured or threatened by him on these occasions She stated that she obtained the order of protection on the children’s behalf because the Respondent had left an unsecured firearm in the home She admitted that he was careful with his firearms when around the children at home

On January 26, 2009, Sheri Ann was standing perpendicular to the first stair of the staircase. The staircase was to her right and she was facing the Respondent. There was a wall behind her. She was standing in the middle of the width of the staircase, which was about 2 ½ feet wide. Her arms were not raised. Her back, right shoulder, right hip, and right leg hit the molding or wall. She stated that she did not fall to the ground, but fell backwards and braced her hand on the step. She clarified that "my body did come to rest on the ground, but the initial impact of which was my hand on the step and my shoulder, my back and my right hip came to rest on the wall. Then I went down and pushed up."

Sheri Ann agreed that she told the Respondent that he pushed her. When asked at trial whether she also said, in sum and substance, "you knocked me to the ground" or "I just went into the wall," she answered that she was "more enraged about the actual push." She testified that she received a bruise as a result of the January 2009 incident. When asked whether she showed this to the police, she replied that it had not yet turned black and blue. She did send pictures of the bruise to the NYPD and the [REDACTED] County ADA.

Sheri Ann stated that when the Respondent tried to break into [REDACTED]'s room, he had his right hand on the door handle and was using his right shoulder to break down the door. He was also banging on the door with his fist. She admitted that he was not doing so with full force because while "his basic instinct was to knock down the door, but he was also conflicted because his children were scared." The Respondent was "demanding" that they open the door. Sheri Ann saw him knock into the door five times. This made a loud noise because the doors in the house were hollow.

Sheri Ann testified that when the Respondent sent her the text message labeled as 257 in DX 3a, a spreadsheet of texts received by her (see also DX 3, compact disc with spreadsheet

file), it was a threat. The text message read, "please stop sending me harassing text messages like you have since 6 am today or i will file charges and have you arrested." It was sent on May 1, 2009. She did not agree that it was a "warning."

Sheri Ann stated that the text message she sent to the Respondent, resulting in her February 2009 arrest, was "if you continue with this family court re Credibility, it will be your head and you will be shown as usual to be the lying, conniving cheat you have become." She meant that he was going to get in trouble with the court. She denied that it was a threat, stating, "Euphemisms are commonly used in our culture."

During March to May 2009, Sheri Ann stated, about half of the text messages between the Respondent and her were about the children. Some others were about financial matters and others were about their relationship.

Sheri Ann conceded that when the Respondent said "What is this" during the May 12, 2009, phone call, he might have been doing something else, but the sexual moaning was meant to harass her. She made a complaint about this to the Town of [REDACTED] police.

The Respondent's Case

The Respondent testified on his own behalf.

The Respondent

The Respondent testified that he and Sheri Ann were [REDACTED]. They had several [REDACTED] problems, including his job schedule. They had gone to counseling. When she served him with papers in November 2008, he told her that he did not want to argue with her, and left the house. One of the ongoing issues in the [REDACTED] was that Sheri Ann wanted to set up

ground rules regarding his visitation of the children. The Respondent asserted that he still lived in the family home, and that because she did not have custody of the children, he should be able to see them whenever he wanted.

The Respondent testified that on January 26, 2009, he met Sheri Ann at her office around noon to talk. They ate lunch at a nearby restaurant. He told her that he had had enough and wanted to get a [REDACTED]. She begged him to reconsider but he refused and said his mind was made up. The Respondent asserted that Sheri Ann told him "if you are not going to be my friend, you are going to be my enemy."

That evening, the Respondent was at the [REDACTED] home. His older daughter, [REDACTED], told him that she was at a friend's house and that "mommy told me not to come home and not to talk to you." When he brought the younger girl, [REDACTED], home from gymnastics, Sheri Ann texted him and said, "[L]eave [REDACTED] on the porch and go to your girlfriend's house." He activated a digital recorder because he anticipated an argument and thought Sheri Ann was going to use the orders of protection to have him arrested.

Sheri Ann told the Respondent to get out of the house, and he refused. He tried to calm her down but it became confrontational. The Respondent decided to leave and said goodbye to the children, telling them he loved them. Sheri Ann told the younger girl that the Respondent didn't really love them, because if he did, he "wouldn't be doing this to the family, I would be wanting to work on it and give her mother a second chance." The girls ran upstairs. The Respondent tried to go up the stairs as well, but Sheri Ann blocked his path, placing herself on the first step and spreading her body. Her back was to the stairs.

The Respondent admitted that he could have left the house at this point. However, while he had seen Sheri Ann upset before, "to the point of telling our five-year-old daughter that her father didn't love her, she was out of control."

The Respondent asserted that he was already in motion when Sheri Ann blocked him. Their chests touched. He stated that he backed off as soon as he realized she was in his way. Sheri Ann did not hit the wall or fall to the ground.

Sheri Ann told him "you don't put your body against mine." When she was on the phone with the police, she screamed, "[Y]ou pushed me, you don't do that to me." At one point, she got out of his way and he went upstairs because the children were upset "at what their mother had said." The Respondent was trying to "coax" the girls out, saying "open this door, I just want to talk to you." He denied yelling or trying to break down the door with his shoulder.

Once the Respondent heard Sheri Ann on the phone with the police, he remained in the home. The police arrived and he was arrested. He contacted Sergeant Mulvey, his supervisor at the NYPD, and with whom he was friendly. Mulvey was off duty at the time and also lived in the Town of [REDACTED]. The Respondent conceded that he did not contact the Operations Unit or the 20 Precinct (where he was assigned). He reasoned that Mulvey could gather all the pertinent information for the duty captain, the Respondent knew he had to be "modified, suspended, the whole nine yards."

The Respondent testified that he had recorded the evening's incident. He made a copy of the digital recording and gave it to the District Attorney's (DA's) Office. He also had it transcribed (see Respondent's Exhibit [RX] A & A1, recording and transcript). The case was eventually dismissed.

The Respondent stated that he was arrested on May 1, 2009, for violating the order of protection. He received several text messages from Sheri Ann that day. The only time he returned the text was when he sent her a message saying "please stop sending me harassing text messages or I will file charges and have you arrested." In fact, both he and Sheri Ann were arrested. She was arrested first for harassment, but when the duty captain looked through the text messages, he informed the Respondent that he was getting arrested for violating the order of protection by sending texts not directly related to the children. These criminal charges were "mutually dismissed."

The Respondent admitted that he texted Sheri Ann at times about issues that did not relate directly to their daughters. These included messages about finances and counseling, or telling Sheri Ann to leave him alone.

The Respondent testified that he was again arrested on May 12, 2009, after Sheri Ann made a complaint that he called her. At trial, the Respondent denied calling her. The charges were dismissed.

The Respondent testified that there was a custody and visitation agreement in place at the time of trial, with Sheri Ann retaining legal custody and primary physical custody.

The Respondent stated that Sheri Ann had made several unsubstantiated allegations against him, ranging from vandalism to burglarizing the [REDACTED] home to kidnapping one of the children when he picked her up from daycare or her karate class.

On cross-examination, the Respondent agreed that it was upsetting when Sheri Ann told [REDACTED] that he did not love the girl. It was possible that Sheri Ann exclaimed that he pushed her before she got on the phone with the police. It took the police five to ten minutes to arrive.

The complaint report filed by the Respondent concerning Sheri Ann's texting concerned 79 text messages, one of which mentioned Sheri Ann "taking or having your head " He was concerned and threatened by this He denied that the DA's Office dismissed the case against Sheri Ann because he dropped the charges

The Respondent admitted that the May 12, 2009, phone call in question might have come from his phone, but he did not intentionally call Sheri Ann For example, he might have been going through text messages and pressed send on one of her texts The phone might have been in his pocket and accidentally activated

Upon questioning by the Court, the Respondent characterized the contact on the stairs as "a brushing of the clothes, at best There was no force involved " It was not even at the level of "somebody walking and bumping into something on the sidewalk." This "was almost a non-existent touch "

FINDINGS AND ANALYSIS

Disciplinary Case No 85043/09

The Respondent is charged with becoming involved in a physical altercation with his [REDACTED], Sheri Ann Pochat, on January 26, 2009 There was an order of protection against him, on his [REDACTED]'s behalf, at this time, so the second specification also charges that the altercation violated the order The third specification charges only the altercation itself It was a limited order, meaning that the Respondent did not have to stay completely away from his [REDACTED], but had to refrain from committing any criminal offense against her

On the date in question, the Respondent and Sheri Ann were arguing about issues in their [REDACTED] Sheri Ann had served him with [REDACTED] litigation papers the previous November,

and they were living separately for the most part. The incident in question occurred on a day in which the Respondent told Sheri Ann that it was over and he wanted to go through with the

At home, the couple began arguing. Their daughters were listening and started to cry. The girls went upstairs and the Respondent tried to go up and talk to them. Sheri Ann claimed that the Respondent purposefully knocked her to the floor and she fell on her side or back, becoming injured. She called the police. The Respondent asserted that Sheri Ann was blocking the staircase. He went up the steps and she did not get out of the way, so he admitted that they made physical contact. He denied that she fell to the floor.

A complete assessment of credibility is not necessary, however, for a determination on Specification Nos. 2 and 3 because the evidence established his guilty involvement in a physical altercation. This occurred approximately two months after he was served with papers by Sheri Ann seeking possession of the home, custody of their daughters, and a monthly sum for support or maintenance that constituted a hefty portion of the Police Officer salary. He admitted going up the stairs and bumping into Sheri Ann, during the course of a pretty bitter argument, and the children were getting caught in the middle. There was so much tension in the household that the Respondent felt it necessary to record the conversation (RX A & A1). The recording reveals some kind of tussle as the Respondent tried to get by Sheri Ann. Whatever happened, it caused her to react with screaming intensity. The testimony of the Respondent, combined with the recording, shows that he knew he was making physical contact with Sheri Ann when he tried to get up the stairs. His account that it was merely their clothes brushing against each other is not borne out by the tape. Accordingly, the Court finds the Respondent Guilty of Specification No. 3 -- becoming involved in a physical altercation.

The Respondent was arrested by the Town of [REDACTED] Police Department. He admitted that he did not contact the Operations Unit. Instead, he contacted a friend, Sergeant Mulvey, an NYPD member that lived in [REDACTED] and that was the Respondent's supervisor at the 20 Precinct. The Respondent wanted Mulvey to gather information about the arrest for the responding NYPD duty captain. Because the Respondent admitted that he failed to contact Operations, as required, he is found Guilty of Specification No. 4.

For Specification No. 2, the Department had to prove that the physical altercation violated the order of protection issued on Sheri Ann's behalf. The order in question, DX 4, was issued by the Family Court of [REDACTED] County in the course of a family offense proceeding brought by her. The order prevented the Respondent from "assault, stalking, harassment, menacing, reckless endangerment, disorderly conduct, intimidation, criminal mischief, threats or any criminal offense" against Sheri Ann.

Here, the Court must make a credibility determination because under Sheri Ann's version of the facts, the Respondent violated the order of protection. Sheri Ann testified that the Respondent intentionally pushed her down to the ground while they were both standing on the steps. At the very least, this would constitute Harassment in the Second Degree (Penal Law § 240.26 [1]), subjecting an individual to physical contact with the intent to harass, annoy or alarm. At most, it would constitute assault, if there was physical injury. Under the Respondent's version, however, he merely was attempting to get by Sheri Ann and go upstairs.

Sheri Ann Pochat was an obstinate, vindictive and angry witness. From the outset, she clouded her testimony with agenda-based answers. For example, when asked what occurred on January 26, 2009, she answered, "That's the date my [REDACTED] assaulted me." She gave tangential, rambling answers that were intended to bolster her credibility and demean the

Respondent She was combative with counsel and had to be admonished by the Court to answer the questions directly as possible Her answers often pushed logic to the point of incredulity, such as when she said that she considered it a "threat" when the Respondent texted her he would have her arrested if she kept sending texts he found harassing, but that it was only a cultural euphemism when she told him that it would be "[his] head" if he did not take certain action

Sheri Ann's recorded actions during the January 26, 2009, incident do not help her credibility The recording demonstrates that it was she, not the Respondent, that was out of control with anger Most egregiously, when the Respondent, ready to leave the house, kissed one of the girls goodbye and told her he loved her, Sheri Ann said, "No, he doesn't "

The recording of the event casts doubt on Sheri Ann's statement that she was shoved to the ground by the Respondent The two certainly made physical contact with each other, enough to cause an audible scuffle, but Sheri Ann, yelling furiously, did not seem to be upset at an assault or falling to the ground She screamed, "You do not touch me! Do not put your body against mine!" This is inconsistent with her testimony

Under the Respondent's version of events, he tried to get by Sheri Ann on the stairs He appears to be saying, "Listen, will you come here please?," and Sheri Ann answers, "Your time -," consistent with her previous statements on the recording that the Respondent's time to repair their relationship was over The tussle then occurred This is consistent with the Respondent's trial testimony, in which he said that he was trying to get by his [REDACTED] but did not push her down On the recording, he states, "I'm talking to my daughters" and "Don't stand in my way " This failed to establish that the Respondent made physical contact with the Respondent in an effort to harass, annoy or alarm her Because the Department failed to prove that the Respondent's actions violated the order of protection, he is found Not Guilty of Specification No 2

Disciplinary Case No 85308/09

The Respondent is charged with making a telephone call to Sheri Ann in violation of the order of protection. The order prohibited him from communicating with her other than in relation to their children. Sheri Ann testified that on May 12, 2009, she received a call on her cell phone and the caller ID had the Respondent's number. When she answered, she heard moaning, which she characterized as sexual in nature. She then heard the Respondent say, "What's this?" or "What is this?," then hang up. The Respondent denied calling Sheri Ann intentionally, but said that he might have done so mistakenly. For example, the phone's buttons could have been inadvertently pressed if it was in his pocket.

The Court finds that the Department failed to prove that the phone call was intentional. Assuming *arguendo* that the call was made – the Department presented no phone records and relied solely on Sheri Ann's account – and that it was done intentionally, the sexual moaning of the Respondent or others could have been meant to harass Sheri Ann. But the fact that when the Respondent spoke, he said only, "What is this?" then hung up, shows that the call was not made on purpose. If he wanted to harass her, he likely would have said something else. Sheri Ann's description of the call supports his assertion that it was made inadvertently. Accordingly, the Court finds the Respondent Not Guilty.

Disciplinary Case No 85344/09

The Respondent, having pleaded Guilty, is found Guilty.

PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined. See Matter of Pell v. Board of Education, 34 N.Y.2d 222, 240 (1974). The Respondent was appointed to the Department on February 28, 1994. Information from his personnel folder that was considered in making this penalty recommendation is contained in the attached confidential memorandum.

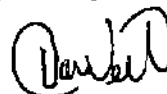
The Respondent has been found Guilty of engaging in a physical altercation with his [REDACTED]. The Department failed to prove that this entailed an injury or even an attempt to harass, annoy or alarm. Rather, the Respondent was trying to move past his [REDACTED] bumped into her, and she vociferously objected. The Respondent also failed to report this altercation promptly to the Operations Unit. Additionally, the Respondent pleaded Guilty to texting his [REDACTED] outside the terms of the order of protection that was issued after the physical altercation. The order stated that the Respondent was allowed to communicate with his [REDACTED] about the children, but this devolved into various back-and-forth texting sessions, certain of which the Respondent admitted went beyond the allowance in the order. Many were about financial matters.

The Respondent was arrested and suspended after both of these incidents. He served a total of 44 days on suspension for these, the first two out of three charged incidents (30 days for the first and 14 days for the second). The Court notes that the text-message incident involved the violation of a judicial order.

Thus, the Court recommends that the Respondent forfeit the 44 days already served on suspension as a penalty, plus an additional 1 vacation day, for a total of 45 days forfeiture. See Case No. 84562/08, signed Sept. 1, 2009 (officer forfeited 20 vacation days when he physically blocked his girlfriend from leaving the room, creating a physical confrontation with her brother),

Case No 84645/08, signed Mar 16, 2010 (officer forfeited 22 suspension days already served for threatening his neighbor over the telephone and making a shooting gesture with his hand)
The Court further recommends that the Respondent be credited with the remaining 32 days he previously served on suspension after his arrest for the May 21, 2009, telephone call, a charge for which he has been found Not Guilty

Respectfully submitted,



David S. Weisel
Assistant Deputy Commissioner – Trials

APPROVED
OCT 04 2011

RAYMOND W. KELLY
POLICE COMMISSIONER

**POLICE DEPARTMENT
CITY OF NEW YORK**

From Assistant Deputy Commissioner – Trials
To Police Commissioner
Subject CONFIDENTIAL MEMORANDUM
POLICE OFFICER THIERRY POCHAT
TAX REGISTRY NO 907079
DISCIPLINARY CASE NOS 85043/09, 85308/09 & 85344/09

In 2008 and 2009, the Respondent received an overall rating of 4.0 “Highly Competent” on his annual performance evaluation. He was rated 4.5 “Extremely Competent/Highly Competent” in 2007. He has been awarded two medals for Excellent Police Duty and one for Meritorious Police Duty [REDACTED]. In 2009, he was placed on Level II Disciplinary Monitoring due to serious misconduct. He has no prior formal disciplinary record.

For your consideration



David S. Weisel
Assistant Deputy Commissioner – Trials